

AGENDA BILL APPROVAL FORM

Agenda Subject: Resolution No. 4472		Date: April 20, 2009
Department: Planning, Building, and Community	Attachments: Resolution No. 4472	Budget Impact: N/A
Administrative Recommendation: City Council adopts Resolution No.4472.		

Background Summary:

At the April 6, 2009 City Council meeting, the City Council directed staff to further analyze the C-1 amendment and return to Planning and Community Development (PCD) and Public Works (PW) committees with the information for discussion purposes. PCD met on April 13, 2009 and PW met on April 20, 2009. PCD moved to forward Resolution 4472 to full Council. The following paragraphs summarize the resolution:

An initial six month moratorium was established May 19, 2008 (Resolution 4357) in order to for the City Council to evaluate what changes may be appropriate for conditional use permits for the above mentioned zoning districts. The moratorium was extended for an additional six months after a public hearing held on December 1, 2008 (Resolution 4412). These resolutions placed a moratorium on development requiring a conditional use permit for three narrowly focused uses: (1) two-family dwellings (duplexes), (2) multiple-family dwellings (includes apartments), and (3) professional offices. (See included memo dated March 11, 2009 from Cindy Baker to Mayor Pete Lewis for further details.) The primary reason for the moratorium was that, as currently written, the City Code would permit seemingly incompatible uses in residential zones.

The City has embarked on a code update process, with the assistance of consultants Jones and Stokes ICF, which will include a review of conditional use permits. The code update effort is well underway with Phase 1 and the anticipated completion date is June 1, 2009. The current moratorium expires May 3, 2008 and an extension is needed to complete the Phase I code update work. The extension is still subject to the requirements for a subsequent public hearing, pursuant to statute, so that the City Council has an opportunity to evaluate the direction that should be pursued in connection with CUPs.

The resolution modifies the moratorium for the C-1 Light Commercial District, specifically, CUPs pursuant to Section 18.26.030, paragraph A that provides exceptions for mixed use development. The City Council heard testimony during and following the December 1, 2008 public hearing about the continued application of moratorium to properties in the C-1 Light Commercial District.

As mentioned, a public hearing is required within 60 days of the adoption of this resolution to evaluate the moratorium and the entry of appropriate findings of fact pursuant to RCW 35A.63.220. The proposed date of the public hearing is May 4, 2009 at the regular council meeting beginning at 7:30 p.m. or as soon thereafter.

L0420-3

O3.10.1

<p>Reviewed by Council & Committees:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Arts Commission <input type="checkbox"/> Airport <input type="checkbox"/> Hearing Examiner <input type="checkbox"/> Human Services <input type="checkbox"/> Park Board <input type="checkbox"/> Planning Comm. </div> <div style="width: 45%;"> <p>COUNCIL COMMITTEES:</p> <input checked="" type="checkbox"/> Finance <input type="checkbox"/> Municipal Serv. <input checked="" type="checkbox"/> Planning & CD <input checked="" type="checkbox"/> Public Works <input type="checkbox"/> Other _____ </div> </div>	<p>Reviewed by Departments & Divisions:</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Building <input type="checkbox"/> Cemetery <input type="checkbox"/> Finance <input type="checkbox"/> Fire <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Public Works <input type="checkbox"/> Information Services </div> <div style="width: 45%;"> <input type="checkbox"/> M&O <input type="checkbox"/> Mayor <input type="checkbox"/> Parks <input checked="" type="checkbox"/> Planning <input type="checkbox"/> Police <input type="checkbox"/> Human Resources </div> </div>
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Action:

Committee Approval: ☐ Yes ☐ No
 Council Approval: ☐ Yes ☐ No Call for Public Hearing 5/ 04/ 2009
 Referred to _____ Until ____/____/____
 Tabled _____ Until ____/____/____

Councilmember: Wagner	Staff: Baker
Meeting Date: April 20, 2009	Item Number: VIII.B.4

RESOLUTION NO. 4 4 7 2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING AND EXTENDING THE MORATORIUM ESTABLISHED BY RESOLUTION NO. 4357 AND EXTENDED BY RESOLUTION NO. 4412 ON THE FILING OF APPLICATIONS FOR CONDITIONAL USE PERMITS (CUPs) IN PROPERTY LOCATED WITHIN THE R-2 SINGLE-FAMILY RESIDENTIAL DISTRICT, THE R-3 TWO-FAMILY (DUPLEX) RESIDENTIAL DISTRICT AND THE C-1 LIGHT COMMERCIAL DISTRICT, AND SETTING A PUBLIC HEARING FOR THE 4th DAY OF MAY, 2009, TO CONSIDER THE AMENDMENT AND EXTENSION OF THE MORATORIUM ON THE FILING OF APPLICATIONS FOR SPECIFIED CUPs WITHIN SPECIFIED ZONING DISTRICTS

WHEREAS, Section 35A.63.220 of the revised Code of Washington (RCW) authorizes the City Council to establish a moratorium for an initial period of six months, subject to subsequent extensions approved by separate council action, provided that a subsequent public hearing is held on the moratorium within at least sixty (60) days of its adoption at which time findings of fact could be made; and

WHEREAS, because some questions existed about how to apply conditional use permits in the R-2 Single-Family Residential District, the R-3 Two-Family (Duplex) Residential District and the C-1 Light Commercial District, the City Council passed its Resolution No. 4357 on May 19, 2008, establishing a moratorium for an initial period of six months from and after the date thereof on the filing of applications for conditional use permits (CUP) for property located within the R-2 Single-Family Residential District, the R-3 Two-Family (Duplex)

Residential District and the C-1 Light Commercial District within the City of Auburn, including, specifically, CUPs pursuant to Section 18.14.030 of the Auburn City Code (ACC), paragraphs (C), (F) and (H) for the R-2 District; CUPs pursuant to Section 18.16.030 ACC, paragraphs (G) and (J) for the R-3 District; and CUPs pursuant to Section 18.26.030 ACC, paragraph (A) for the C-1 District; and

WHEREAS, the evaluation of the CUPs in said zoning districts has not been completed; and

WHEREAS, in order for the City Council to continue evaluating the changes that may be appropriate for conditional use permits for the above mentioned zoning districts, the moratorium was extended for an additional six months subject to the requirements for a subsequent public hearing held on December 1, 2008, pursuant to statute, so that the City Council has an opportunity to evaluate the direction that should be pursued in connection with CUPs; and

WHEREAS, during and following the public hearing, the City Council heard testimony and received concerns about the continued application of the moratorium to properties in the C-1 Light Commercial District; and

WHEREAS, in order for the City Council to continue evaluating the changes that may be appropriate for conditional use permits for the above mentioned zoning districts, it would be appropriate for the moratorium to be extended for an additional six months subject to the requirements for a subsequent public hearing to be held on May 4th 2009, pursuant to statute, so

that the City Council has an opportunity to evaluate the direction that should be pursued in connection with CUPs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, HEREBY RESOLVES as follows:

Section 1. Modification of Moratorium. The City Council hereby amends the moratorium established on May 19, 2008, by Resolution No. 4357 and extended by Resolution No. 4412 for an additional period of six months from and after the date hereof on the filing of applications for specified conditional use permits (CUPs) for property located within certain land use zoning districts within the City, and amending the scope of the moratorium in its application to properties within the C-1 Light Commercial District, so that the moratorium hence forth applies only to the filing of applications for CUPs for property located within the R-2 Single-Family Residential District and the R-3 Two-Family (Duplex) Residential District that specifically relate to CUPs pursuant to Section 18.14.030 of the Auburn City Code (ACC), paragraphs (C), (F) and (H) for the R-2 District; CUPs pursuant to Section 18.16.030 ACC, and paragraphs (G) and (J) for the R-3 District, and for CUPs for property located within the C-1 Light Commercial District within the City of Auburn, that specifically relate to CUPs pursuant to Section 18.26.030 ACC, paragraph (A) for the C-1 District, provided that the moratorium shall not apply to cohesive mixed use development projects as determined by the Director of Planning, Building and Community, where the Director of Planning, Building and Community determines, interprets and construes mixed use development projects, for the purposes hereof, as those

projects that include a mixture of commercial and residential uses, so long as the principle use of not less than twenty percent (20%) of the total square footage (floor space) of the building(s) of the project is for commercial retail use and/or commercial service use, versus residential uses, and further provided that there shall be no other variances, engineering deviations or other exceptions from the standards and requirements that would otherwise apply to the project.

Section 2. Terms of Moratorium as Modified and Extended. The moratorium initially established by Resolution 4357 and extended by Resolution No. 4412, shall continue to be in effect as amended by this Resolution No. 4472, for a period of six (6) months thereafter, unless repealed, extended or modified by the City Council after a subsequent public hearing and the entry of appropriate findings of fact pursuant to RCW 35A.63.220, provided that the moratorium shall automatically expire upon the effective date of an Ordinance revising the provisions for CUPs for the specified purposes in the specified zoning districts.

Section 3. Public Hearing Schedule. That a public hearing on the proposal to impose a moratorium on the filing of applications for the above specified CUPs within the R-2 Single-Family Residential District, the R-3 Two-Family (Duplex) Residential District, and the C-1 Light Commercial District, be and the same hereby is set for 7:30 p.m., or as soon thereafter as the matter can be heard, on the 4th day of May 2009, at the City of Auburn City Council Chambers, Auburn City Hall, 25 West Main Street, Auburn, Washington.

Section 4. Administrative Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this legislation.

Section 5. Effective Date. This Resolution shall be in full force and effect upon passage and signatures hereon.

Dated and Signed this _____ day of _____, 2009.

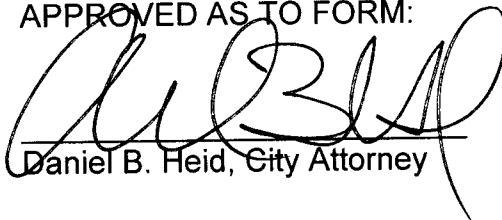
CITY OF AUBURN

ATTEST:

PETER B. LEWIS
MAYOR

Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney